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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Asusena Soto Gonzalez,
Plaintiff,

v.

BOBBY JOHN THOMAS, M.D.,
individually; SAMSON WONG, D.O.,
individually; UNITED STATES OF
AMERICA; MAYLYN FLORES, R.N.,
individually; KIMBERLY TAURIELLO,
R.N., individually; HALEY ROSER, R.N.,
individually; NORMITA RHODEOS, R.N.,
individually; UNIVERSITY MEDICAL
CENTER OF SOUTHERN NEVADA;
DOE 1-20; DOE PHYSICIANS 1-20; DOE
NURSES 1-20; and ROE BUSINESS
ENTITIES 1-20, inclusive,
Defendants.

Case No. 2:21-cv-02238-JAD-BNW

**United States' Motion to Extend
Deadline to File Responsive Pleading
(First Request)**

The United States of America respectfully moves to set a deadline to respond to Plaintiff's First Amended Complaint. Defendant requests that the time be extended to March 4, 2022. The basis for this motion is as follows:

1. This action was originally filed in the Eighth Judicial District Court, Clark County, Nevada. On December 6, 2021, the complaint was amended. *See* ECF No. 15-2 (First Amended Complaint). The December 6, 2021 amended complaint (ECF No. 15-2) is believed to be the operative complaint.

2. On December 23, 2021, Dr. Kaminski filed a Notice of Removal, removing the action from state to federal court. ECF No. 1.

3. On December 30, 2021, the United States filed a Motion to Substitute the United States as the party-defendant in place of federal defendant Carter Kaminski, D.O. See ECF No. 6.

4. On January 4, 2022, the Court granted the United States' Motion to Substitute as a party-defendant in the place of Dr. Kaminski by operation of 28 U.S.C. § 2679(d)(2) and 28 U.S.C. § 2671. ECF No. 13.

5. Rule 81(c) of the Federal Rules of Civil Procedure provides the time in which a defendant must answer an initial pleading in a removed action. The time provided is the later of 21 days after receipt or service of the initial pleading or seven days after the removal. However, a federal officer or agency is ordinarily permitted a response time of 60 days pursuant to Rule 12(a)(2) of the Federal Rules of Civil Procedure.

6. Additional time is needed to meaningfully evaluate the allegations of the complaint which was only recently amended on December 6, 2021, and for the government to prepare a jurisdictional motion to dismiss which the United States believes will dispose of the allegations asserted against the United States. Defendant's counsel will be out of the country from January 7 through January 18, 2022. Defendant's counsel conferred with Plaintiff's counsel and Plaintiff does not object to the deadline of March 4, 2021. Based upon these reasons, the United States seeks to extend the US' responsive pleading deadline to March 4, 2022.

Respectfully submitted this January 6, 2022.

CHRISTOPHER CHIOU
Acting United States Attorney

ORDER

IT IS SO ORDERED

DATED: 3:34 pm, January 07, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

/s/ Brianna Smith
BRIANNA SMITH
Assistant United States Attorney